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NOTICE OF ALLOWANCE AND FEE(S) DUE

30955

7590

08/08/2008

LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

EXAMINER

SHEIKH, ASFAND M

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 08/08/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,631	05/25/2000	William H. Barber	387953	5757

TITLE OF INVENTION: DISK DISPENSING AND RETRIEVAL SYSTEM AND ASSOCIATED MEHTODS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$0	\$0	\$720	11/10/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

30955 7590 08/08/2008

**LATHROP & GAGE LC
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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	YES	\$720	\$0	\$0	\$720	11/10/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
SHEIKH, ASFAND M	3627	705-017000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

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ART UNIT

PAPER NUMBER

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Determination of Patent Term Extension under 35 U.S.C. 154 (b)

(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/578,631

Applicant(s)

BARBER ET AL.

Examiner

Asfand M. Sheikh

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/28/2008.
2. ☒ The allowed claim(s) is/are 1-21, 23-62 and 64-86.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 2/19/2007 and 1/31/2008.

Prosecution History

The examiner notes claims 1-21, 23-62, and 64-86 are pending in the application and claims 22 and 63 have been cancelled. The examiner notes claims 1 and 43, and all dependent claims of 1 and 43, are in condition for allowance for at least the reasons set forth below.

Reasons for Allowance

The following is an examiner's statement for the reasons for allowance.

The present invention (claims 1 and 43) is directed to a system and method for dispensing optical storage media from a kiosk that is remote from a system server. The user at the kiosk can view inventory representative of the kiosk via the kiosk interface and the Internet. Further the user at the kiosk undergoes a credit verification routine based on the credit account in the received billing information before the dispensing of optical media and emailing of the transaction receipt to the user specified e-mail address.

The following reference has been identified as the most relevant prior art to the claimed invention. The prior art mostly relates to an automated merchandise dispensing and retrieval system in which customers may rent and return videocassettes.

Newell et al. (US 5,159,560) teaches a first central processing unit in said kiosk (Newell et al, see at least, FIG. 3b), a database representing kiosk inventory that is accessible by a user via a kiosk interface (Newell et al, see at least, col. 5, lines 52-58, col. 7, lines 27-29, and col. ii, lines 24-27), instructions stored on first readable media that direct the first central processing unit (Newell et al., see at least, col. 5, lines 26-31) to request billing information from the user (Newell et al., see at least, col. 5, lines 21--24), respond to a user request from the kiosk (Newell et al, see at least, col. 7, lines 25--29), receive a request for media and billing information from said user (Newell et al., see at least, col. 7, lines 19- 39), transmit billing instructions to said system server (Newell et al., see at least, col. 4, lines 24-28), and dispensing the optical storage media to said user (Newell et al., see at least, col. 7, lines 65-67 and col. 8, line i), a second central processing unit in said system server (Newell et al., see at least, FIG. i), instructions stored on second

readable media that direct the second central processing unit to (Newell et al., see at least, FIG. i) to receive billing information from said first central processing unit (Newell et al., see at least, col. 4, lines 24-28).

Newell et al. is silent with respect to the given limitations/missing features in the claimed invention more specifically: accessing the kiosk inventory via the Internet and responding to a user request from the Internet; wherein the billing information contains a user-specified e-mail address, waiting for the kiosk to receive conformation of billing from the system server, having the system server perform a credit verification routine on a credit account in said billing information, transmitting said confirmation to said first central processing unit responsive to a verification of credit account, and transmit an electronic receipt for said transaction to a said user specified e-mail address in said billing information. A person having ordinary skill in the art at the time the invention was made would have not been motivated to combine the limitations/missing features with Newell et al. The examiner notes the combination of missing features and the other limitation(s) found in the independent claim make the invention novel and unobvious over the cited prior art.

The following foreign reference has been identified as the most relevant prior art to the claimed invention. The prior art mostly relates to an unmanned rental system for a DVD based on data transmitted by the rental machine to a machine computer to detect a rental key.

Tietech KK (JP 11-53638 A) teaches an unmanned rental system for a DVD based on data transmitted by the rental machine to a machine computer to detect a rental key (see at least, abstract and description).

Tietech KK is silent with respect to the given limitations/missing features in the claimed invention more specifically: a database including information representative of kiosk inventory and accessible by a user via a kiosk interface and the Internet; a first set of instructions for directing said first central processing unit to: request billing information from said user, including a user-specified e-mail address; respond to a user request from the Internet, to identify inventory in said kiosk; receive (b) said billing information from said user, transmit said billing information to said system server for confirmation, receive said confirmation of billing from said system server; a first media readable by said first central processing unit for storing said first set of

Art Unit: 3627

instructions; a second central processing unit in said system server; a second set of instructions for directing said second central processing unit to: receive said billing information from said first central processing unit, perform a credit verification routine on a credit account in said billing information, transmit said confirmation to said first central processing unit responsive to a verification of credit account, and transmit an electronic receipt for said transaction to said user specified e-mail address in said billing information; and a second media readable by said second central processing unit for storing said second set of instructions. A person having ordinary skill in the art at the time the invention was made would have not been motivated to combine the limitations/missing features with Tietech KK. The examiner notes the combination of missing features and the other limitation(s) found in the independent claim make the invention novel and unobvious over the cited prior art.

The following non patent literature has been identified as the most relevant prior art to the claimed invention. The prior art mostly relates to a DVD rental kiosk program that includes a display rack, 40 DVD movies, and two rental players.

"Ingram Relaunches DVD Rental Kiosk Program, Updates Software Package" by Brass teaches a DVD rental kiosk program that includes a display rack and 40 DVD movies available for rental (see at least, title, and paragraph 2).

Ingram is silent with respect to the given limitations/missing features in the claimed invention more specifically: a first central processing unit in said kiosk; a database including information representative of kiosk inventory and accessible by a user via a kiosk interface and the Internet; a first set of instructions for directing said first central processing unit to: request billing information from said user, including a user-specified e-mail address; respond to a user request from the Internet, to identify inventory in said kiosk; receive (b) said billing information from said user, transmit said billing information to said system server for confirmation, receive said confirmation of billing from said system server; a first media readable by said first central processing unit for storing said first set of instructions; a second central

processing unit in said system server; a second set of instructions for directing said second central processing unit to: receive said billing information from said first central processing unit, perform a credit verification routine on a credit account in said billing information, transmit said confirmation to said first central processing unit responsive to a verification of credit account, and transmit an electronic receipt for said transaction to said user specified e-mail address in said billing information; and a second media readable by said second central processing unit for storing said second set of instructions. A person having ordinary skill in the art at the time the invention was made would have not been motivated to combine the limitations/missing features with Ingram. The examiner notes the combination of missing features and the other limitation(s) found in the independent claim make the invention novel and unobvious over the cited prior art.

Any comments considered necessary by the application must be submitted no later than the payment of the issue fee and, to avoid processing delays, show preferably accompany the issue fee. Such submission should be clearly labeled "Comments On Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M Sheikh/
Examiner, Art Unit 3627

August 1, 2008

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627